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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,044	08/27/2003	Frederik Marcel Van Der Vliet	2620	4934

7590 04/05/2005

ATTN: Travis Dodd
LAW OFFICES OF TRAVIS L. DODD, PC
2490 Heyneman Hollow
Fallbrook, CA 92028

EXAMINER

PALMER, PHAN T H

ART UNIT	PAPER NUMBER
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2874

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/649,044	VAN DER VLIET ET AL.	
	Examiner	Art Unit	
	PHAN T.H. PALMER	2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-21 and 30-38 is/are allowed.
- 6) ☒ Claim(s) 22, 23 and 39 is/are rejected.
- 7) ☒ Claim(s) 24-29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Phan T. H. Palmer
PHAN T. H. PALMER
PRIMARY EXAMINER
04/03/05

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's cooperation is requested in correcting any error of which applicant may become aware in the specification.

Drawings

2. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed. See attached form PTO-948.

Specification

3. The disclosure is objected to because of the following informalities: in page 1, on line 6, after "filed on 2/21/2003" inserted --now U.S. Patent Serial number 6,853,793--. Appropriate correction is required.

Claim Objections

4. Claim 28 is objected to because of the following informalities: claim 28 cannot depend on claim 28. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 22-23, and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Miles (6,741,377 B2).

The Miles reference discloses in figure 1, an optical component (100), comprising:

- a light transmitting medium positioned on a base or substrate (102);
- a plurality of optical devices (104) positioned on the base (102) such that the light transmitting medium extends between the optical devices (104); and
- light absorbing region (108) positioned so as to intercept light traveling through the light transmitting medium between optical devices (104).

With regard to claim 22, the Miles reference discloses all the claimed invention.

With regard to claim 23, wherein at least one light absorbing region (108) is positioned between the adjacent optical devices (104) is disclosed in the Miles reference (see figure 1).

With regard to claim 39, a method of forming an optical component, comprising:

- obtaining an optical component having a plurality of optical devices positioned on a base such that a light transmitting medium positioned on the base extends between the optical devices; and

- forming at least one light absorbing region in the light transmitting medium so as to intercept light traveling through the light transmitting medium between optical devices, is fully disclosed in the Miles reference (see abstracted).

Allowable Subject Matter

6. +++ Claims 24-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Miles reference does not disclose the optical device includes at least one electrical contact positioned over a doped region and at least a portion of a light absorbing region is positioned between the doped region and the adjacent optical device, as discloses in claims 24, and 26-29.

The Miles reference does not disclose the optical device includes a waveguide defined by a ridge extending from a slab of the light transmitting medium and wherein the optical device includes at least one electrically contact positioned in a trench extending into the slab of light transmitting medium, as discloses in claim 26.

+++ Claims 1-21, and 30-38 are allowed.

The Miles reference does not disclose an optical component comprising an optical device positioned between isolation channels configured to at least partially isolate different regions of the optical component from one another, as discloses in claims 1, 13, 30 and 38.

The underlined limitations of claims above are critically, since the optical device is improved having reduced the polarization dependent loss (PDL) and/or the wavelength dependent loss (WDL) associated with the optical attenuator.

CONTACT INFORMATION

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHAN T.H. PALMER whose telephone number is (571) 272-2354. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RODNEY B. BOVERNICK can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2874

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PTHP
04/03/2005

Phan T. H. Palmer
PHAN T. H. PALMER
PRIMARY EXAMINER